

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-08-0326 CW
)	
Plaintiff,)	[PROPOSED] ORDER DETAINING
)	DEFENDANT ANTHONY DAVID
v.)	OCHOA, JR. PENDING TRIAL
)	
ANTONIO DERAY DARNELL,)	
a/k/a "Young Rayda,")	Date: June 25, 2008
a/k/a "Rayda,")	Time: 9:30 a.m.
a/k/a "Ray Ray,")	Court: Hon. Nandor J. Vadas
TERRELL ANTONIO MOORE,)	
a/k/a "T," and)	
ANTHONY DAVID OCHOA, JR.,)	
a/k/a "Ant,")	
)	
Defendants.)	

The defendant, Anthony David Ochoa, Jr., is charged with one count of conspiracy to interfere with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), one count of interfering with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), and one count of using, carrying, and brandishing a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii). He made his initial appearance before United States Magistrate Judge Wayne D. Brazil on June 16, 2008. On June 25, 2008, this Court heard the United States' motion to detain defendant Ochoa without bail pending trial. Defendant

1 Ochoa was present, in custody, and represented by counsel. The parties proceeded, without
2 objection, by proffer. Both parties had an opportunity before the hearing to review a criminal
3 history report prepared by the United States Pretrial Services Agency.

4 After considering the evidence and the parties' arguments, this Court Orders that
5 defendant Ochoa be detained pending trial. The Court finds by clear and convincing evidence
6 that defendant Ochoa poses a serious risk of danger to the community, and by a preponderance of
7 the evidence that there is a serious risk that defendant Ochoa will flee.

8 For the reasons stated on the record at the detention hearing, including the following, the
9 Court finds that under 18 U.S.C. § 3142(e), no condition or combination of conditions will
10 reasonably ensure defendant's appearance or the safety of the community:

11 1. Defendant faces serious charges alleging that he committed crimes of
12 violence. Specifically, according to the Indictment and the proffer by the government at the
13 detention hearing, defendant Ochoa was involved in a sophisticated car jacking plan in which a
14 victim was lured to a specific location in order to steal his/her car at gunpoint. Additionally, and
15 again according to the Indictment and the proffer by the government at the hearing, defendant
16 Ochoa drove the getaway car to aid in the execution of the car jacking plan. Defendant,
17 therefore, poses a serious danger to the community if he is released.

18 2. Defendant has one previous conviction for evading the police. According
19 to the Indictment and the proffer by the government at the hearing, defendant Ochoa fled from
20 the police again as part of the instant offense. Defendant, therefore, poses a serious flight risk.

21 Based on the foregoing, the United States' motion for detention is GRANTED. IT IS
22 HEREBY ORDERED that:

23 1. Defendant Ochoa be detained pending trial pursuant to 18 U.S.C. § 3142;

24 2. Defendant Ochoa be, and hereby is, committed to the custody of the
25 Attorney General for confinement in a corrections facility separate, to the extent practicable,
26 from persons awaiting or serving sentences or being held in custody pending appeals;

27 3. Defendant Ochoa be afforded reasonable opportunity for private
28 consultation with his counsel; and

